

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

COMPLIENT CORPORATION,	)	CASE NO. 1:06 CV 2366
	)	
Plaintiff,	)	JUDGE PATRICIA A. GAUGHAN
	)	
v.	)	
	)	<u>ORDER OF REMAND</u>
DONALD C. HUTCHINS, et al.,	)	
	)	
Defendants.	)	

On September 29, 2006, Donald C. Hutchins filed a Notice of Removal concerning a case originally filed by plaintiff, Compliant Corporation, in the Cuyahoga County Court of Common Pleas in 2004. Compliant filed a Motion for Remand on October 5, 2006, and Hutchins filed an "Answer" to the Motion for Remand on October 13, 2006. For the reasons stated below, this action is remanded to the Cuyahoga County Court of Common Pleas.

Title 28 U.S.C. § 1441, which governs civil actions removable from state court generally, provides that such removal may only occur when a federal court has original jurisdiction of the matter and a defendant in the action seeks removal. Further, a notice of removal must be filed within 30 days after a defendant's receipt of a copy of the initial pleading or within 30

days after service of summons upon the defendant if the initial pleading has then been filed in court and is not required to be served on the defendant, whichever is shorter. 28 U.S.C. § 1446(b). There is simply no indication that these requirements have been met here. Indeed, it is evident from the Motion for Remand and the docket attached to it that this action has already concluded in the state court.

Accordingly, the Motion to Remand is granted and this matter is remanded to the Cuyahoga County Court of Common Pleas.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan  
PATRICIA A. GAUGHAN  
UNITED STATES DISTRICT JUDGE

Dated: 10/18/06